

# **EXHIBIT A**

04/18/2017 14:12 FAX 304 526 8699

Cabell Co Circuit Clerk

0002/0007

**FILED**

**CIVIL CASE INFORMATION STATEMENT 2017 MAR 15 PM 2:23**  
**CIVIL CASES**  
**IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA**

**I. Case Style:**  
**JOHN CURTIS**

**Plaintiff,**

**v.**

Civil Action No.: 17-C-170  
 Judge: /s/ ALFRED E. FERGUSON

**HUNTINGTON HEALTH AND REHABILITATION CENTER and**  
**SEVENTEENTH STREET ASSOCIATES LLC**  
**d/b/a HUNTINGTON HEALTH AND REHABILITATION CENTER,**

**DEFENDANT:**

**DAYS TO ANSWER**  
 30

**TYPE OF SERVICE**  
 Secretary of State

**H. Paul Schrank II, Manager**  
**Huntington Health and Rehabilitation Center**  
**Seventeenth Street Associates LLC**  
**d/b/a Huntington Health and Rehabilitation Center**  
**One Ravinia Drive, Ste 1500**  
**Atlanta, GA 30346**

**Wynn Sims, Manager**  
**Huntington Health and Rehabilitation Center**  
**Seventeenth Street Associates LLC**  
**d/b/a Huntington Health and Rehabilitation Center**  
**One Ravinia Drive, Ste 1400**  
**Atlanta, GA 30346**

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Secretary of State

**Original and three (3) copies of the Complaint furnished herewith.**

**II. TYPE OF CASE:** Medical Professional Liability

**III. JURY DEMAND:** Yes

**IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS DUE TO A DISABILITY OR AGE?**

Yes, Plaintiff requires the use of a wheelchair.

**ATTORNEY:**

**Larry O. Ford [WVSB 1241]**  
**Meyer, Ford & Glasser, PLLC**  
**P. O. Box 11090**  
**Charleston, WV 25339**  
**304-345-3900**

**REPRESENTING:** Plaintiff

**Dated:** 3-10-17

  
 LARRY O. FORD

**FILED****IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA**

APR 15 PM 2:23

**JOHN CURTIS,**

Plaintiff,

J.E. BOO  
CIRCUIT CLERK

v.

CIVIL ACTION NO.: 17-C-170**HUNTINGTON HEALTH AND REHABILITATION CENTER and  
SEVENTEENTH STREET ASSOCIATES LLC  
d/b/a HUNTINGTON HEALTH AND REHABILITATION CENTER,**

/s/ ALFRED E. FERGUSON

**Defendants.****COMPLAINT**

1. On March 27, 2015, John Curtis was transferred from Huntington Veterans Affairs Medical Center located in Cabell County, West Virginia and admitted to defendants' facility also located in Cabell County, West Virginia. Plaintiff had been hospitalized at the Huntington Veterans Affairs Medical Center since March 11, 2015, for treatment of various ailments including congestive heart failure. He was referred to the defendants' facility for rehabilitation instead of being discharged home due to his lengthy hospital course and debility.

2. Plaintiff was admitted to defendants' facility from the date of admission until April 20, 2015, when he was transferred to Cabell Huntington Hospital for evaluation and treatment of hypotension. The care provided to plaintiff by the defendants acting by and through their servants, agents or employees, deviated from the appropriate standard of care and was negligent in various ways including:

- a. Failure of the nursing staff to provide services according to acceptable clinical and professional standards due to poor assessment skills;
- b. Failure of the nursing staff to provide services according to acceptable clinical and professional standards due to poor assessment skills;
- c. Failure of the nursing staff to alert attending physicians of the decline in plaintiff's condition;
- d. Failure of the nursing staff to follow the interventions listed in their Plan of Care; and
- e. The nurses performed a skin assessment on admission and weekly, as well as Braden scores, however they did not observe the increasing edema of his lower extremities as described by the physician in notes. The open wounds on his left leg went from one on April 15, 2015, to two on April 18, 2015, with no notation that the physician was made aware of this change. His lower extremities continued to have extensive weeping of clear fluid. The nursing staff did not communicate to the physician that the Doxycycline Mr. Curtis was ordered for cellulitis on April 13, 2015, was not improving the status of his left lower extremity and in fact his extremity worsened on April 18, 2015. Although the physician felt Mr. Curtis was confused, as noted in the progress note, nursing listed him always as alert and oriented. His family felt he had mental status changes as well. His wounds were first classified as venous stasis ulcers and nursing never performed any assessment of his circulatory system such as simply palpating pedal pulses. Lastly the nursing staff did not recognize the signs and

symptoms of sepsis such as altered mental status, elevated WBC's, and hypotension.

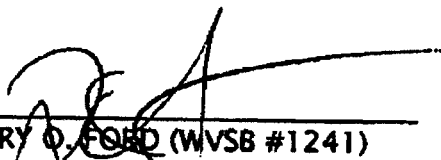
3. The defendants acting by and through their servants, agents or employees failed to exercise the degree of care, skill and learning required or expected of reasonably competent healthcare providers of the class to which the defendants belonged at the time of the events herein described acting under the same or similar circumstances by and through their servants, agents or employees.

4. As a direct and proximate result of the negligence of the defendants, as aforesaid, plaintiff developed necrotizing fasciitis which required the amputation of his left leg and he was otherwise injured and damaged.

WHEREFORE, plaintiff, John Curtis, demands judgment against the defendants, Huntington Health and Rehabilitation Center and Seventeenth Street Associates LLC d/b/a Huntington Health and Rehabilitation Center, in an amount adequate to compensate him for the injuries and damages sustained by John Curtis, plus all interest allowed by law and his costs of action.

Plaintiff demands trial by jury.

JOHN CURTIS  
By Counsel



LARRY O. FORD (WVSB #1241)  
MEYER, FORD & GLASSER, PLLC  
120 Capitol Street  
Post Office Box 11090  
Charleston, WV 25339-1090  
(304) 345-3900

04/18/2017 14:13 FAX 304 526 8699

Cabell Co Circuit Clerk

0006/0007

## IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

JOHN CURTIS,

Plaintiff,

v.

CIVIL ACTION NO.: 17-C-170JUDGE: 1st ALFRED E. FERGUSON

HUNTINGTON HEALTH AND REHABILITATION CENTER and  
 SEVENTEENTH STREET ASSOCIATES LLC  
 d/b/a HUNTINGTON HEALTH AND REHABILITATION CENTER,

Defendant.

SUMMONS

COPY

2017 APR 15 PM 2:23

FILED

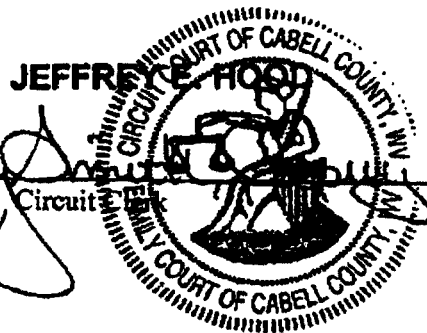
TO:

H. Paul Schrank II, Manager  
 Huntington Health and Rehabilitation Center  
 Seventeenth Street Associates LLC  
 d/b/a Huntington Health and Rehabilitation Center  
 One Ravinia Drive, Ste 1500  
 Atlanta, GA 30346

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby summoned and required to serve upon Larry O. Ford, of Meyer, Ford & Glasser, PLLC, Plaintiff's attorney, whose address is P. O. Box 11090, Charleston, West Virginia 25339, an Answer, including any related counterclaim you may have, to the Complaint filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above-styled civil action.

Dated: \_\_\_\_\_

- ☐ Service - Certified (RD)  
☐ Service - Sheriff  
☒ Returned to Atty. for Service  
☐ Returned to Pltff. for Service



04/18/2017 14:14 FAX 304 526 8699

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0007/0007

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JOHN CURTIS,

Plaintiff,

v.

CIVIL ACTION NO.: 17-C-170JUDGE: /s/ ALFRED E. FERGUSONHUNTINGTON HEALTH AND REHABILITATION CENTER and  
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d/b/a HUNTINGTON HEALTH AND REHABILITATION CENTER,

Defendant.

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TO:  
Wynn Sims, Manager  
Huntington Health and Rehabilitation Center  
Seventeenth Street Associates LLC  
d/b/a Huntington Health and Rehabilitation Center  
One Ravinia Drive, Ste 1400  
Atlanta, GA 30346

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Dated: \_\_\_\_\_

JEFFREY E. HOOD

Circuit Clerk

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☐ Service - Sheriff  
☒ Returned to Atty. for Service  
☐ Returned to Plt. for Service

